

**MISSOURI BOARD OF PHARMACY  
STATE OF MISSOURI**

IN RE:

TIFFANY DIANE GROVER  
1194 B Glenmeade Dr.  
Maryland Heights, MO 63043

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Case #2018-004791

**ORDER OF THE MISSOURI BOARD OF PHARMACY  
ISSUING TIFFANY DIANE GROVER A PHARMACIST LICENSE  
SUBJECT TO PROBATION**

Comes now the Missouri Board of Pharmacy ("Board") and issues its ORDER granting a PROBATED pharmacist license, license number 2018032233, to Tiffany Diane Grover, ("Grover") pursuant to the provisions of Section 324.038, RSMo. As set forth in Section 324.038, RSMo, Grover may submit a written request for a hearing to the Administrative Hearing Commission seeking review of the Board's decision to issue a probated license to Grover. Such written request must be submitted to the Administrative Hearing Commission within thirty (30) days of issuance of this Order. The written request should be addressed to the Administrative Hearing Commission, P.O. Box 1557, Truman Building Room 640, Jefferson City, MO 65102-1557. If no written request for review is received by the Administrative Hearing Commission within the thirty (30) day period, the right to seek review of the Board's decision shall be waived.

The disciplinary period shall become effective immediately upon issuance of Grover's license as a pharmacist. Should Grover file a written request for review of this Order, the terms and conditions of the Order shall remain in force and effect unless and/or until such time as the Administrative Hearing Commission issues an order contrary to this Order.

### **FINDINGS OF FACT**

1. The Missouri Board of Pharmacy (hereinafter "Board") is an agency of the State of Missouri created and established pursuant to Section 338.110, RSMo, for the purpose of executing and enforcing provisions of Chapter 338, RSMo.

2. Pursuant to the provisions of Section 324.038, RSMo, the Board hereby issues pharmacist license number 2018032233 to Grover in lieu of denial of Grover's request for a license to practice pharmacy in Missouri. License number 2018032233 is issued subject to the terms and conditions set forth herein below.

3. Tiffany Diane Grover filed an application for licensure as a pharmacist with the Board on May 10, 2018.

4. On that application Grover did not reveal that she had pled guilty in 2016 to unlawful possession of a controlled substance, a felony. Ms. Grover stated that she did not reveal the plea because of advice from her attorney she retained to negotiate the resolution of the criminal charges she received from a traffic stop in 2015. She stated that she had been driving her mother's car after a concert when a policeman stopped her for driving erratically. She admitted to the Board that she was under the influence of alcohol at the time of the traffic stop. During that traffic stop the policeman found in Ms. Grover's purse several Xanax tablets that she had that were not hers and for which she did not have a prescription. Ms. Grover claims that she had obtained the Xanax due to anxiety she had during pharmacy school but had never taken any of them. She also claimed she had forgotten she had them in her possession. She did agree that possession of the Xanax by her was illegal. The Board obtained the records of her plea of guilty to the felony of possession of a controlled substance after Ms. Grover filed her application.

5. Ms. Grover had been advised in writing from her attorney that "A conviction HAS not been entered on this offense. The charge will be dismissed if you successfully complete probation." Ms. Grover successfully completed probation.

6. Grover claimed that she had never previously driven a motor vehicle while legally under the influence of alcohol. She asserts that she has learned from this experience and assured the Board she will, if licensed as a pharmacist, not be in possession of prescription medications without valid prescriptions for such substances.

7. In June 2018, Grover took the examinations necessary to be licensed as a pharmacist and received passing scores on those examinations.

8. Based on information received by the Board, pursuant to Section 338.055 RSMo, the Board concluded Grover engaged in conduct which would be grounds for disciplinary action by the Board if Grover were licensed by the Board, and grounds for denial of Grover's application for licensure by exam filed with the Board.

9. Pursuant to the provisions of Section 324.038, RSMo, the Board hereby issues pharmacist license number 2018032233 to Grover in lieu of denial of Grover's request for a license to practice pharmacy in Missouri. License Number 2018032233 is issued subject to the terms and conditions set forth herein below.

#### **CONCLUSIONS OF LAW**

10. Grover's conduct as alleged above is cause for the Board to deny Grover a license to practice pharmacy pursuant to Section 338.055.1 and .2, RSMo, which states in pertinent parts:

1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

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(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

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(17) Personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a health care provider who is authorized by law to do so.

11. Section 324.038, RSMo, provides in pertinent part:

1. Whenever a board within the division of professional registration, including the division itself when so empowered, may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of a license, the board, as an alternative to refusing to issue a license, may, at its discretion, issue to an applicant a license subject to probation.

12. The Board hereby issues this ORDER in lieu of denial of Grover's request for a license to practice pharmacy in Missouri pursuant to Section 324.038, RSMo.

### ORDER

Based on the foregoing and in lieu of denying Grover a pharmacist license, the Board issues Tiffany Diane Grover a license subject to **PROBATION for THREE (3) years** (hereinafter "disciplinary period"). The terms of discipline shall be:

1. Respondent shall comply with all applicable provisions of Chapter 338, Chapter 195, Chapter 196 and all applicable federal and state pharmacy/drug laws and regulations and all federal and state criminal laws. "State" here includes the State of Missouri and all other states and territories of the United States.
2. Respondent shall not serve as pharmacist-in-charge or manager-in-charge of any entity licensed or regulated by the Board, or as a preceptor for pharmacy interns or as a teaching member of any school or college of pharmacy. Additionally, Respondent shall not serve as a consultant required by a Board disciplinary order for any pharmacy/drug distributor.
3. Respondent shall keep the Board apprised of his/her current home, electronic mail (e-mail) and work addresses and telephone numbers. Respondent shall notify the Board of any change in Respondent's employer or Respondent's home

or work address within ten (10) days of such change in a manner approved by the Board. For employer/work changes, Respondent's notification shall include the reasons for the change. If at any time Respondent is employed by a temporary employment agency or maintains employment that requires frequent daily or weekly changes of work locations he/she must provide the Board a list of locations worked if requested by the Board or Board's representative.

4. If Respondent's license expires or becomes void/invalid, upon renewal or reapplication Respondent's license shall be subject to all terms and conditions of discipline not previously satisfied, including, any remaining suspension/probationary period.
5. Respondent shall cooperate with the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of this Disciplinary Order. Respondent shall make herself available for personal interviews to be conducted by a member of the Board or the Board of Pharmacy staff. Said meetings shall be at the Board's discretion and may occur periodically during the disciplinary period.
6. Respondent shall respond to any written inquiry of the Board and provide any requested documentation/records within three (3) days of receipt of a written request from the Board or the Board's authorized designee, or as otherwise requested by the Board/Board designee.
7. If requested by the Board, Respondent shall submit to a criminal history background check via the Board's approved vendor at Respondent's cost. Unless otherwise directed by the Board, Respondent shall submit the required fingerprints and undergo the requested criminal history background check within ten (10) days of the Board's request.
8. Respondent shall submit to any drug, alcohol or urinalysis testing requested by the Board, at Respondent's cost. Testing may be conducted on any human sample, including, but not necessarily limited to, urine, blood, breath, hair, nails, skin or saliva. The timing, manner and scheduling for testing is within the Board's sole discretion.
9. Respondent shall report any of the following occurrences to the Board, in writing, within seventy-two (72) hours of such occurrence:
  - a. Any arrest or issuance of a criminal complaint;
  - b. Any municipal/local arrest, citation or complaint relating to drugs, theft, shoplifting, burglary, possession of drug paraphernalia, driving or operating a motor vehicle under the influence/while intoxicated or illegally possessing, selling or purchasing alcohol, any drug or drug paraphernalia;
  - c. A finding or plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment, including,

but not limited to, any deferred or diverted adjudication, order or agreement;

- d. A conviction of any crime, including, but not limited to, any Suspended Imposition of Sentence ("SIS") or Suspended Execution of Sentence ("SES");
- e. A finding by a court that Respondent has violated any term of his/her criminal probation/parole;
- f. Any discipline, citation, or other administrative action filed or taken against Respondent by any state board/committee of pharmacy, or any other state or federal agency.

Failure to timely report any of the foregoing occurrences shall be considered a disciplinary violation.

- 10. If Respondent is currently or begins serving any period of criminal probation/parole, Respondent shall provide the name of his or her probation/parole officer to the Board, in writing, within ten (10) days of the effective date of this Order/Agreement or within ten (10) days of the designation of a probation/parole officer. If Respondent's probation/parole officer is changed for any reason, Respondent shall submit the name of the replacement officer to the Board within ten (10) days of the change/modification. Respondent shall execute a release authorizing his/her probation or parole officer to provide to the Board any information relating to Respondent's probation or parole. Respondent shall maintain the release in effect and shall provide an updated release if requested by the Board.
- 11. Respondent shall file a "Disciplinary Compliance Report" with the Board in a form/manner approved by the Board. The Disciplinary Compliance Report shall be due by January 1 and July 1 of each calendar year. Respondent's final Disciplinary Compliance Report shall be filed no later than ninety (90) days before the end of the probationary period.
- 12. Respondent's failure to comply with any condition of discipline set forth herein constitutes a violation of this disciplinary Order/Agreement.
- 13. The parties to this Order/Agreement understand that the Board of Pharmacy will maintain this Order/Agreement as an open record of the Board as provided in Chapters 324, 338, 610, RSMo.

#### **NOTICE TO EMPLOYERS**

- 14. If applicable, Respondent shall notify any employer of the employer's need to apply for and receive the necessary state (misdemeanor/felony) and federal (felony) waivers from the Bureau of Narcotics and Dangerous Drugs and the Drug Enforcement Administration in order to be employed within a facility that

maintains state or federal registrations for the purpose of storing, distributing or dispensing controlled substances.

15. Except as otherwise provided herein, "Employment" within the meaning of this Order/Agreement shall include any full-time, part-time, temporary, relief or pharmacy management service as a pharmacist or any position for which a pharmacist license, pharmacy intern license or pharmacy technician registration is a requirement or criterion for employment, regardless of whether Respondent is an employee, independent contractor, volunteer, instructor or consultant. "Employment" shall also include any entity where legend drugs are stored, sold, dispensed or distributed.
16. Respondent shall notify any current or future employers of this action by providing a copy of this Disciplinary Order/Settlement Agreement to the pharmacist-in-charge or manager-in-charge of any pharmacy or drug distributorship where Respondent is employed, on or before the effective date of discipline or prior to accepting any offer of employment.
  - a. If Respondent is not or will not be employed by a pharmacy or drug distributor, the notice shall be provided to Respondent's direct supervisor at Respondent's current/prospective place of employment, as defined herein, within the timeframes required by this section.
  - b. For purposes of this Order/Agreement, a pharmacy shall also include, but is not limited to, any location providing pharmacy services for inpatients of a licensed hospital or residents of a long term care facility.
17. Respondent shall cause the pharmacist-in-charge, manager-in-charge or supervisor to sign a written acknowledgment on a form approved by the Board indicating that he/she has received and reviewed the Disciplinary Order/Settlement Agreement and the terms and conditions imposed thereby. The written acknowledgement shall be signed and dated by the applicable pharmacist-in-charge, manager-in-charge or supervisor and shall be submitted to the Board by Respondent for verification within ten (10) days of the dated signature. Respondent shall be responsible for ensuring the required signed acknowledgments are timely submitted to the Board.
18. If at any time Respondent is employed by a temporary employment agency, Respondent must provide each employment agency a copy of this Disciplinary Order/Settlement Agreement prior to being assigned to a temporary employment site. Respondent shall also provide a copy of the Disciplinary Order/Settlement Agreement to each pharmacist-in-charge or manager-in-charge of each pharmacy or drug distributor where Respondent is assigned to work. If the pharmacist-in-charge or manager-in-charge is not present at the employment site, a copy of the Disciplinary Order/Settlement Agreement shall be left at the applicable site for the pharmacist-in-charge/manager-in-charge to review. Respondent shall provide an accurate listing of all employment/work sites where

Respondent has been assigned if requested by the Board or the Board's authorized designee.

19. Licensee shall execute any release or provide any authorization necessary for the Board to obtain records of Respondent's employment during the period covered by this Disciplinary Order/Settlement Agreement.

### **CONTINUING EDUCATION**

20. Within three (3) months of the effective date of this Disciplinary Order/Settlement Agreement, Respondent shall take and pass the Board approved Pharmacy Practice Guide Continuing Education Examination, if available. Respondent shall register and complete the required examination via the Board's website or as otherwise requested by the Board.
21. Respondent shall take a minimum of 6.0 continuing education (0.60 CEUs) hours in pharmacy law during each biennial pharmacist renewal period that is completed while Respondent is on discipline. The continuing education required by this section shall comply with 20 CSR 2220-7.080 and may be used to satisfy the licensee's biennial continuing education requirement. Proof of compliance with the continuing education requirements of this section shall be submitted to the Board on or before October 31<sup>st</sup> of each biennial pharmacist renewal period.

A. Grover's failure to comply with any condition of discipline set forth herein constitutes a violation of this disciplinary Order.

B. The parties to this Order understand that the Board of Pharmacy will maintain this Order as an open record of the Board as provided in Chapters 324, 338, 610, RSMo.

C. Upon the expiration of the disciplinary period, Grover's license as a pharmacist shall be fully restored if all other requirements of law have been satisfied; provided, however, that in the event the board determines that Grover has violated any term or condition of this Order, the Board may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline Grover's pharmacist license.

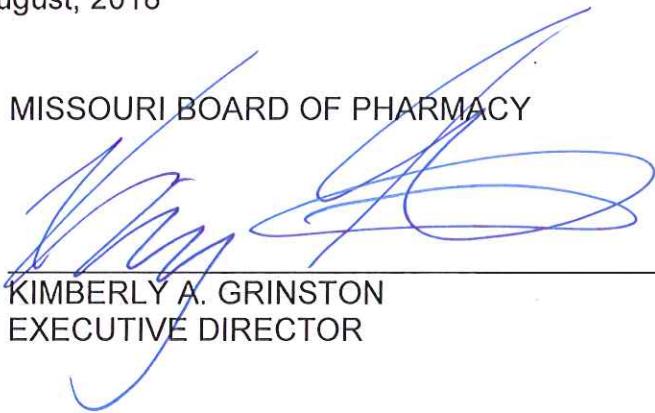
D. No order shall be entered by the Board pursuant to the preceding paragraph of this Order without notice and an opportunity for a hearing before the Board in accordance with provisions of Chapter 536, RSMo.



E. If the Board determines that Grover has violated a term or condition of this Order, which violation would be actionable in a proceeding before the Administrative Hearing Commission or the Circuit Court, the Board may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions concerning that violation.

SO ORDERED this 30th day of August, 2018

MISSOURI BOARD OF PHARMACY



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KIMBERLY A. GRINSTON  
EXECUTIVE DIRECTOR